

Remarks

Applicants request reconsideration in view of the amendments and the following remarks.

Interview Summary

Applicants' representative conducted a telephone interview with Examiner Alexander on November 10, 2009. The substance of the interview is discussed below.

Rejection under 35 U.S.C. § 112, Second Paragraph

Claims 7-8 and 17 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The actions states: "It is not clear how claims 7-8 and 17 calculate the determination of the tracer gas concentration or the time to achieve the required concentration."

In the interview, Applicants' representative explained that Example 1 on pages 11-12 of the present application illustrates an application of the methods claimed in claims 7-8 and 17. Examiner Alexander stated that he understood the subject matter of claims 7-8 and 17 when read in light of Example 1. Examiner Alexander agreed to reconsider the rejection of claims 7-8 and 17 under 35 U.S.C. § 112, second paragraph.

By this Amendment, each of claims 7-8 and 17 has been rewritten in independent form and is believed to be in condition for allowance. Applicant therefore requests that the rejection be withdrawn.

Rejections under 35 U.S.C. § 102/103

Claims 1-2, 4-6, 9-10, 12-13, 15-16, 18-20, and 23-25 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by WO 02/063294 to Sharp et al. (Sharp). Claims 1, 4, 12, 15, 18 and 26 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 2,996,661 to Roberts (Roberts). Claims 11, 22 and 26 were rejected as allegedly being obvious from Roberts. Claims 3, 14, 21 and 22 were rejected under 35 U.S.C. 103(a) as allegedly being obvious from Sharp in view of U.S. Patent No. 4,879,999 to Leiman (Leiman). Applicants traverse these rejections and request that they be withdrawn.

Independent claim 1 has been amended to recite that "the tracer gas compris[es] one of carbon dioxide, nitrogen, oxygen, or argon." These gases were previously recited in dependent claims 2, 9, 10, and 11, which are now canceled.

In the telephone interview, it was discussed and agreed upon that Sharp only discloses filtering contaminants from air and does not teach or suggest filtering naturally occurring components of air, including carbon dioxide, nitrogen, oxygen, and argon. For example, Sharp states: “After passing through the gas sensors, the air may pass through a filter 136, such as a HEPA particle filter or a gas filter, to remove hazardous or undesirable gases.” (Page 14, line 10-12.) To distinguish filtering contaminants from air, as taught by Sharp, Examiner Alexander suggested that Applicants could amend claim 1 to recite the specific components of air that can be used as a tracer gas in the claimed method.

It was also discussed and agreed upon that Roberts also does not teach or suggest filtering naturally occurring components of air, including carbon dioxide, nitrogen, oxygen, or argon. Instead, Roberts teaches a “sniffing” type leak detecting probe that detects a tracer gas in the Halogen family, which includes chlorine, bromine, iodine and astatine.

In view of the amendment to claim 1, Applicants request that the rejections of claim 1 be withdrawn.

Independent claim 12 has been amended to recite “wherein the tracer gas comprises carbon dioxide,” which was previously recited in claim 13. Independent claim 18 has been amended to recite “wherein the gas filter is one of a carbon dioxide filter for removing carbon dioxide from the air flowing into the enclosure, a nitrogen filter for removing nitrogen from the air flowing into the enclosure, an oxygen filter for removing oxygen from the air flowing into the enclosure, or an argon filter for removing argon from the air flowing into the enclosure.” The carbon dioxide filter, nitrogen filter, oxygen filter and argon filter were previously recited in claims 19, 24, 25 and 26. In view of the amendments to claims 12 and 18, Applicants request that the rejections of these claims be withdrawn.

Dependent claims 3-6, 14, 16, and 20-23 depend from claims 1, 12 or 18 and are allowable for at least the same reasons that their respective base claims are allowable.

Conclusion

For at least the foregoing reasons, the application is in condition for allowance and such action is respectfully requested. If any issues remain concerning this application, the examiner is invited to contact the undersigned attorney.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By /Jeffrey B. Haendler/
Jeffrey B. Haendler
Registration No. 43,652